



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Handa et al. Art Unit : 1654
Serial No. : 10/073,548 Examiner : M. Meller
Filed : February 11, 2002
Title : A PHARMACEUTICAL COMPOSITION AND PROCESS FOR ISOLATION OF
TRANS-TETRACOS-15-ENOIC ACID AND METHOD OF TREATMENT FOR
HEPATOTOXICITY

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW NOTICE OF ABANDONMENT

Under 37 CFR §§1.8(b) and 1.181, applicant hereby petitions to withdraw the Notice of Abandonment mailed April 7, 2004 (copy enclosed). The application was abandoned under 37 CFR §1.135 for failure to respond to the Office Action mailed July 15, 2003.

The undersigned, applicant's attorney of record, first became aware of the abandonment on or about April 9, 2004, upon receipt of the Notice of Abandonment and submits that this petition to withdraw the Notice is being promptly submitted as required by 37 CFR §1.8(b)(1).

The following documents are submitted under 37 CFR §1.8(b)(2) as proof that a Response was timely filed on September 4, 2003:

1. A copy of the response to the Restriction Requirement, including an executed certificate of mailing signed by Nerissa Parisi on September 9, 2003;
2. A copy of the Petition for Extension of Time, including an executed certificate of mailing signed by Nerissa Parisi on September 9, 2003, which extended the period for responding to the Office Action for one month, to and including September 15, 2003;

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

May 28, 2004
Date of Deposit

Linda M. White
Signature

Linda M. White
Typed or Printed Name of Person Signing Certificate

3. A copy of the check dated September 4, 2003 and postcard dated September 4, 2003 that were included with the response and Petition for Extension of Time; and

4. A copy of the canceled check on September 12, 2003, and postcard stamped received by the PTO Mailroom on September 8, 2003.

Also enclosed are original signed declarations under 37 CFR §1.8(b)(3) by:

1. John W. Freeman, attesting on the basis of personal knowledge that the above documents were timely filed on September 4, 2003; and

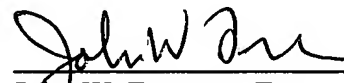
2. Nerissa Parisi, attesting on the basis of personal knowledge to the mail procedures in effect on September 4, 2003.

Applicant submits that the response to the Restriction Requirement was timely filed and requests that the Notice of Abandonment be withdrawn.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 5/28/04



John W. Freeman, Esq.
Reg. No. 29,066

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906



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MAIL STOP PETITION

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Alexandria, VA 22313-1450

STATEMENT OF TIMELY MAILING UNDER 37 CFR §1.8
STATEMENT OF JOHN W. FREEMAN, ESQ.

I, JOHN W. FREEMAN, ESQ., declare as follows:

I am a principal of the law firm of FISH & RICHARDSON P.C. and an attorney/agent of record in the above matter.

I first became aware of the abandonment of the above patent on or about April 9, 2004, upon receipt of the Notice of Abandonment. I submit that the accompanying petition to withdraw the Notice is being promptly submitted as required by 37 CFR §1.8(b)(1).

On September 4, 2003, I signed the correspondence entitled Response to Restriction Requirement and the certificate of mailing stamped directly on the correspondence, which indicated that the correspondence and accompanying postcard and check were being deposited with the United States Postal Service on September 4, 2003. I gave the signed documents to my secretary, who made photocopies for the file, sealed the originals in an special envelope preprinted with the address of the Assistant Commissioner of Patents, and left the envelope in one of the designated "pick-up stations" to be delivered to the United States Postal Service in accordance with the procedures described in the Declaration of Nerissa Parisi.

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May 28, 2004
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Signature

Linda M. White
Typed or Printed Name of Person Signing Certificate

Applicant : Handa et al.
Serial No. : 10/073,548
Filed : February 11, 2002
Page : 2 of 2

Attorney's Docket No.: 07064-012001 / FP00820-
NF236/99-VK

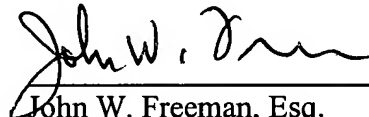
Knowing the procedures for outgoing mail and my secretary's experience with them, I had reasonable basis to expect that the correspondence would be deposited with the United States Postal Service on the date indicated.

Unknown to me, on November 16, 2003, the patent was abandoned. I never received any indication of the abandonment from the Patent and Trademark Office. All mail sent from the Patent and Trademark Office to any attorney or patent agent at FISH & RICHARDSON P.C. is opened, date stamped, logged, and docketed centrally before it is sent the attorney or patent agent. A review of our manual mail log and computerized docketing records from November 16, 2003 to the present indicates that no indication of abandonment was ever received.

On April 9, 2004 I received a Notice of Abandonment which had been mailed April 7, 2004, indicating that no reply has been received. It was upon receipt of this notification that I first became aware that the patent was abandoned.

Respectfully submitted,

Date: 5/28/04



John W. Freeman, Esq.
Reg. No. 29,066

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HEPATOTOXICITY

Art Unit : 1654
Examiner : Meller, Michael V.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR ONE-MONTH EXTENSION OF TIME

Pursuant to 37 CFR §1.136, applicants hereby petition that the period for response to the action dated July 15, 2003, be extended for one month to and including September 15, 2003.

Enclosed is a check for \$110 for the required fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 9/4/03

John W. Freeman
John W. Freeman, Esq.
Reg. No. 29,066

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

9/4/2003
Date of Deposit

Nerissa M. Parisi
Signature

Nerissa M. Parisi
Typed or Printed Name of Person Signing Certificate



FISH & RICHARDSON P.C.

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225 Franklin Street
Boston, Massachusetts
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www.fleet.com
South Portland, ME

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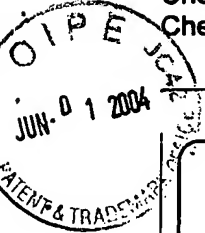
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Attorney's Docket No. 07064-012001	Express Mail Label No. N/A	Mailing Date September 4, 2003	For PTO Use Only Do Not Mark in This Area
Application No. 10/073,548	Filing Date February 11, 2002	Attorney/Secretary Init JWF/nxp	
Title of the Invention A PHARMACEUTICAL COMPOSITION AND PROCESS FOR ISOLATION OF TRANS-TETRACOS-15-ENOIC ACID AND METHOD OF TREATMENT FOR HEPATOTOXICITY			
Applicant Handa et al.			
Client Reference No. 0820-NF236/99-JS			
Enclosures • Amendment/Response (1 page) • Check in the amount of \$110.00 • Petition for Extension of Time (1 month)			

BEST AVAILABLE COPY

Paid Date = 09/12/2003
 Account Number = 80071123
 Check Number = 169262
 Check Amount = \$110.00



FISH & RICHARDSON P.C. 335 Franklin Street Boston, Massachusetts 02110-2804		169262
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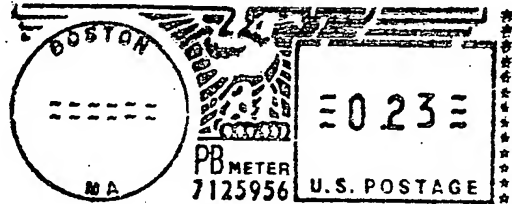
Agency's Docket No. 07064-012001	Express Mail Label No. N/A	Mailing Date September 4, 2003	For PTO Use Only Do Not Mark in This Area
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Applicant Handa et al.			
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SEP 11 2003

FISH & RICHARDSON, P.C.
BOSTON OFFICE



JOHN W. FREEMAN, ESQ.
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Boston, MA 02110-2804